

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANK DALENE and GWEN DALENE,

Plaintiffs,

-against-

ORDER

19-CV-7035 (DRH) (ARL)

ANALAR CORP.,

Defendant.

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LINDSAY, Magistrate Judge:

Before the Court is the motion of Analar Corp. (“Defendant”) pursuant to Federal Rule of Civil Procedure 37 requesting an order compelling Frank Dalene and Gwen Dalene (“Plaintiffs”) to serve their Rule 26 Initial Disclosures and responses to Analar’s First Set of Interrogatories and First Requests for Production of Documents dated January 9, 2020. Defendant also requests an extension of all deadlines set forth in the scheduling order of April 29, 2020. Plaintiff has not responded to the motion, nor has Plaintiff taken any steps to prosecute this action.

Defendant’s motion to compel discovery is granted, as unopposed. On or before April 19, 2021, Plaintiff is directed to provide Defendant with responses to any outstanding discovery requests.

Defendant’s motion seeking an extension of the discovery deadlines, is denied, with leave to renew. There is no indication in the application of the length of the time sought for the extension, nor is there any indication that the parties have conferred on the issue prior to submission of the application. The final pretrial conference scheduled for April 6, 2021 is adjourned to a date to be determined upon the filing of Defendant’s renewed motion.

Plaintiff is hereby warned that failure to comply with this Order may result in the preclusion of evidence, monetary sanctions for failure to comply with this Order and this

Court recommending to District Judge Hurley that Plaintiff's case be dismissed with prejudice for failure to prosecute.

Dated: Central Islip, New York
April 5, 2021

SO ORDERED:

/s
ARLENE R. LINDSAY
United States Magistrate Judge